

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

LARRY D. DAVIS, SR.,

Plaintiff,

v.

1:15-cv-133-WSD

**CAROLYN COLVIN, Acting
Commissioner, Social Security
Administration,**

Defendant.

OPINION AND ORDER

This matter is before the Court on Magistrate Judge E. Clayton Scofield's Final Report and Recommendation [4] ("R&R"). The Magistrate Judge recommended that this action be dismissed without prejudice for Plaintiff Larry D. Davis, Sr.'s ("Plaintiff") failure to comply with the Magistrate Judge's February 6, 2015, Order [2].

I. BACKGROUND

On January 15, 2015, Plaintiff filed his Application to Proceed *in forma pauperis* [1] ("IFP Application") and his Complaint [1-1]. On February 6, 2015, the Magistrate Judge granted [2] Plaintiff's IFP Application. The Magistrate Judge also screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915, and concluded

that it failed to state a claim upon which relief could be granted.

(February 6, 2015, Order, at 3). The Magistrate Judge struck Plaintiff's Complaint and ordered Plaintiff to file an amended complaint within thirty (30) days that presented his claims for relief and stated the factual bases for each claim. (Id. at 4-5).

Plaintiff did not comply with the Magistrate Judge's February 6, 2015, Order. On March 24, 2015, the Magistrate Judge recommended that the Court dismiss this action for Plaintiff's failure to comply with the February 6, 2015, Order. (R&R at 1). Plaintiff did not file any objections to the R&R.

II. DISCUSSION

A. Legal Standard

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). With respect to those findings and recommendations to which a party has not asserted objections, the district judge

must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Analysis

As Plaintiff has not objected to the Magistrate Judge's R&R, the Court reviews the Magistrate Judge's findings and recommendations for plain error. See Slay 714 F.2d at 1095. The Magistrate Judge found that Plaintiff failed to comply with the February 6, 2015, Order, and properly recommended that the Court dismiss this action. See LR 41.3(A)(2), NDGa. The Court finds no plain error in Magistrate Judge's findings and recommendation. See Slay, 714 F.2d at 1095.


III. CONCLUSION

For the foregoing reasons,

IT IS HEREBY ORDERED that Magistrate Judge E. Clayton Scofield's Final Report and Recommendation [4] is **ADOPTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED this 18th day of May, 2015.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE